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Filing date: **12/07/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051659
Party	Defendant The Dille Family Trust
Correspondence Address	Lawrence E. Apolzon Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES
Submission	Answer
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Date	12/07/2009
Attachments	09 12 07 - Answer to Petition to Cancel (F0551092).PDF (3 pages)(18567 bytes)

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NOWLAN FAMILY TRUST,

Petitioner,

v.

THE DILLE FAMILY TRUST,

Registrant.

Cancellation No. 92051659

ANSWER TO PETITION TO CANCEL

Registrant The Dille Family Trust, (“Registrant”), by its attorneys Fross Zelnick Lehrman & Zissu, P.C., for its answer to the Petition to Cancel, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Petition to Cancel.

2. Admits the allegations of Paragraph 2 of the Petition to Cancel.

3. Admits the allegations of Paragraph 3 of the Petition to Cancel.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Petition to Cancel.

5. Denies the allegations of Paragraph 5 of the Petition to Cancel.

6. Denies the allegations of Paragraph 6 of the Petition to Cancel.

7. Denies the allegations of Paragraph 7 of the Petition to Cancel.

8. Denies the allegations of Paragraph 8 of the Petition to Cancel.

9. Admits that the United States Patent and Trademark Office renewed the subject registration but otherwise denies the allegations of Paragraph 9 of the Petition to Cancel.

10. Denies the allegations of Paragraph 10 of the Petition to Cancel.

11. Denies the allegations of Paragraph 11 of the Petition to Cancel.
12. Registrant restates it answers to Paragraphs 1-11 of the Petition to Cancel in response to Paragraph 12 of the Petition to Cancel.
13. Denies the allegations of Paragraph 13 of the Petition to Cancel.
14. Denies the allegations of Paragraph 14 of the Petition to Cancel

FIRST AFFIRMATIVE DEFENSE

15. The Petition to Cancel fails to state a claim upon which relief can be granted.

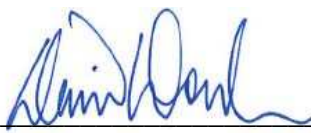
SECOND AFFIRMATIVE DEFENSE

16. Petitioner's Count 1 (Fraud) is not pleaded with the requisite particularity required by the Federal Rules of Civil Procedure as incorporated into the Trademark Rule of Practice.

WHEREFORE, Registrant demands judgment dismissing the Petition to Cancel with prejudice and granting to Registrant such other and further relief as the Board may deem just and proper.

Dated: New York, New York
December 7, 2009

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
David Donahue

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New York, New York 10017
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Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **ANSWER TO PETITION TO CANCEL** was sent by first class mail postage pre-paid to Petitioner's attorney, John J. O'Malley, Volpe and Koeing, P.C., 30 S. 17th Street - United Plaza, Philadelphia, PA 19103, this 7th day of December, 2009.

A handwritten signature in blue ink, appearing to read "David Donahue", is written over a horizontal line.

David Donahue